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December 10, 1996

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

RE: Comments on the Sixth Further Notice
of Proposed Rulemaking; MM Docket No. 87-268

Dear Mr. Caton:

Transmitted herewith on behalf of Word Broadcasting Network, Inc., is an original and four (4) copies of its comments on the Sixth Further Notice of Proposed Rulemaking in the above-referenced Docket.

Should any questions arise in connection with this matter, kindly communicate directly with the undersigned.

Respectfully submitted,


Howard J. Barr

Enclosure

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Before the
Federal Communications Commission
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the) MM Docket No. 87-268
Existing Television Broadcast)
Service)

TO: The Commission

**COMMENTS OF WORD BROADCASTING NETWORK, INC. ON THE
SIXTH FURTHER NOTICE OF PROPOSED RULEMAKING**

These comments on the Commission's Sixth Further Notice of Proposed Rule Making (FCC 96-207, released August 14, 1996) ("Sixth FNPRM" or "Notice"), are submitted on behalf of Word Broadcasting Network, Inc. ("Word Broadcasting"). Word Broadcasting is the licensee of television station WBNA-TV, Channel 21, licensed to Louisville, Kentucky.

Introduction

In the Sixth FNPRM, the Commission commenced the final step in the implementation of the next era of broadcast television: digital television (DTV). Among other things, the Notice proposed procedures for assigning DTV frequencies. See Notice, at paras. 11-14.

Previously, in the Second Further Notice of Proposed Rule Making, 7 FCC Rcd. 5376, 5379 (1992), the Commission proposed to employ an allotment approach that would maximize the service areas of all DTV allotments. The Sixth FNPRM

marks a shift in strategy. The Commission now proposes to adopt a policy of service replication that will perpetuate the disparities that have developed between VHF and UHF broadcasters. In addition, the Commission has unnecessarily aggravated the difficulties of maximizing service by proposing to shrink the spectrum available for DTV stations at the same time demands on spectrum are exploding.

The Commission should avert the potential petrification of service areas by deferring reclamation of unused spectrum until the completion of the conversion to DTV. In addition, the computer program for generating allotments should be modified to assure that a constricted station is assigned a DTV channel that allows it to expand its service area to one equivalent to the largest station in the market.

**The Public Interest Demands More Than
Preservation of the Status Quo**

It is ironic that—at the very moment when technological advances inherent in DTV allow UHF stations to overcome historic limitations to their expansion—the Commission should propose to adopt a strategy that may unnecessarily mute the diversity of voices available to the public. The Commission justifies its approach because it preserves viewers' access to off-the-air TV service and the ability of stations to reach the audiences that they now serve. See Notice, at para. 13. However, this laudable objective is not mutually exclusive with an approach that allows constricted stations to expand in their markets.

By developing a table of allotments that fails to remedy historical restraints on the development of NTSC service areas, the Commission risks the perpetuation of limitations that are no longer justified. Whereas the historical limitations on

station growth may have been grounded in economic and technological restraints, the Commission's extension of these limits can only be justified by administrative convenience.

The Commission's professed willingness to allow stations to maximize or increase their service areas where such an increase would not create additional interference is illusory. See Notice, at para. 13. Unfortunately, the proposed strategy is to allocate first, maximize later. With this approach there is no guaranty—or even a reasonable expectation—that it will be possible for a station to maximize its service area. Indeed, using the Commission's own figures, during the transition period, 50% of broadcasters will not receive a DTV allotment that replicates their existing service areas. Six percent will receive allotments that replicate less than 95% of their service areas. See Notice, at para. 90. In view of these numbers, it is not reasonable to believe that it will be possible for constrained stations to maximize their service areas.

It should be stressed that it is not only broadcasters who will be affected by this unnecessarily limiting proposal. For each broadcaster that is artificially constrained from natural expansion, there is an audience deprived of another voice on the airwaves. This may be the last opportunity for the Commission to assure maximum diversity in constrained markets. In this historic transition, the public interest demands something more than preservation of the status quo.

Conclusion


The principle of service maximization set forth in the Second Further Notice should be integrated with the objective of service area preservation proposed in the Sixth FNPRM. During the transition period from NTSC to DTV, the Commission should act to assure that constrained stations have the latitude to expand naturally in their markets. This will require deferring the reclamation of unused spectrum until after the transition period has been completed. In addition, the computer program for generating allotments should be modified to assure that a constricted station is assigned a DTV channel that allows it to expand its service area to one equivalent to the largest station in the market.

Word Broadcasting Network, Inc. recognizes complexity of the task faced by the Commission. The benefits to the public interest to be reaped by maximizing the number of voices in a market justifies the effort.

Respectfully submitted,

**WORD BROADCASTING
NETWORK, INC.**

By:


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Its Attorney

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